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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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	Application No.	Applicant(s)				
•	10/790,418	VEGLIO ET AL.				
Office Action Summary	Examiner	Art Unit				
	Paula L. Craig	3761	,			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be timular trial apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	1. the mailing date of this of U.S.C. § 133).				
Status						
 1) ⊠ Responsive to communication(s) filed on 22 At 2a) ☐ This action is FINAL. 2b) ⊠ This 3) ☐ Since this application is in condition for allowar closed in accordance with the practice under E 	action is non-final. nce except for formal matters, pro		e merits is			
Disposition of Claims						
4) Claim(s) 1-7 and 9-20 is/are pending in the approach 4a) Of the above claim(s) is/are withdraw 5) Claim(s) is/are allowed. 6) Claim(s) 1-7 and 9-20 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or Application Papers	vn from consideration		,			
· _	,					
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list of	s have been received. s have been received in Application ity documents have been received I (PCT Rule 17.2(a)).	on No ed in this National	Stage			
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	ate	·			

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 22, 2007 has been entered.

Response to Arguments

2. The objections to the specification and to Claims 9 and 20 are withdrawn in light of Applicant's amendments filed August 22, 2007. Applicant's arguments with respect to Claims 1-7 and 9-20 have been considered but are most in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

- 3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 4. Claims 1-4, 6-7, 10, 12-14, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,713,069 to Wang et al in view of U.S. Patent No. 5,549,589 to Horney et al.

5. For Claim 1, Wang teaches a sanitary napkin having a body-facing side and a garment facing side (Abstract, Figs. 1-2, col. 1, lines 30-43, col. 7, lines 65-68, col. 13, line 66 to col. 14, line 11). The sanitary napkin includes a fluid permeable topsheet 13, a fluid permeable backsheet 11, and an absorbent core 12 disposed therebetween (Figs. 1-2, col. 13, line 66 to col. 14, line 11). Wang teaches the absorbent core 12 defining a core outer periphery (Figs. 1-2, col. 13, line 66 to col. 14, line 11). Wang teaches that the standard sanitary napkin includes fluff (col. 14, lines 34-60; note standard fluff for sanitary napkins is made from wood pulp or the like, and is hydrophilic). The backsheet 11 includes relatively hydrophobic nonwoven material (Abstract, Figs. 1-2, col. 9, lines 3-66; note that polyolefins are hydrophobic). Wang teaches the topsheet 13 and the backsheet 11 defining a sanitary napkin outer periphery that is substantially larger than the core outer periphery, the sanitary napkin outer periphery completely surrounds the core outer periphery and is fully capable of being a breathable zone (Abstract, Figs. 1-2, col. 1, lines 30-44, col. 8, lines 4-66, col. 9, lines 3-28, col. 16, lines 28-68). The sanitary napkin includes a fluid impermeable barrier between the backsheet 11 and the absorbent core 12, the fluid impermeable barrier being disposed within the core outer periphery and not extending beyond the core outer periphery (fluid impermeable barrier is the additional layer of the central zone 14, Abstract, Fig. 1, col. 8, lines 4-64, col. 13, line 66 to col. 14, line 11). Wang does not expressly teach the absorbent core including relatively hydrophilic material, the topsheet including relatively hydrophobic nonwoven material, nor the garment-facing side having pressure sensitive adhesive for affixing to a wearer's undergarment. However, relatively

hydrophilic absorbent cores and relatively hydrophobic topsheets are well known in the art. It is also well known in the art for the garment-facing side of a sanitary napkin to include pressure sensitive adhesive for affixing to a wearer's undergarment. Horney confirms this and teaches a sanitary napkin having a relatively hydrophilic absorbent core and a relatively hydrophobic topsheet 22 (absorbent core includes absorbent core 25, distribution member 24, and acquisition layer 27; Figs. 1-2, col. 3, lines 12-20, col. 4, lines 26-55, col. 10, lines 31-52, col. 12, lines 54-64, col. 13, lines 25-67, col. 14, lines 45-67, col. 16, lines 1-61). Horney teaches that a generally hydrophobic topsheet helps to isolate the wearer's skin from liquids in the absorbent core (col. 14, lines 59-67, col. 16, lines 45-56). Horney also teaches the garment-facing side of the napkin having pressure sensitive adhesive for affixing to a wearer's undergarment (col. 15, lines 36-67). Horney teaches that the adhesive maintains the sanitary napkin in its position within the panty during use (col. 15, lines 65-67). It would have been obvious to one of ordinary skill in the art to modify Wang to include the absorbent core having relatively hydrophilic material and the topsheet having relatively hydrophobic nonwoven material. as taught by Horney, to isolate the wearer's skin from liquids in the absorbent core, as taught by Horney. It would also have been obvious to one of ordinary skill in the art to modify Wang to include the garment-facing side having pressure sensitive adhesive for affixing to a wearer's undergarment, as taught by Horney, to maintain the sanitary napkin in its position within the panty during use, as taught by Horney.

6. For Claim 2, Wang teaches the backsheet 11 having sufficient hydrophobicity to be rendered fluid repellent (Abstract, Figs. 1-2, col. 8, lines 1-66, col. 9, lines 3-66).

- 7. For Claim 3, Wang teaches the topsheet 13 and the backsheet 11 having a common outer periphery (Fig. 1).
- 8. For Claim 4, Wang teaches that the fluid impermeable barrier should have dimensions sufficient to provide the desired protection against leakage (fluid impermeable barrier is the additional layer of the central zone 14, Abstract, col. 8, lines 24-31). Wang does not expressly teach the periphery of the fluid impermeable barrier coinciding with the core outer periphery. The dimensions of the fluid impermeable barrier are a result effective variable, since this affects leakage. The discovery of an optimum value of a result effective variable is ordinarily within the ordinary skill in the art. See *In re Boesch and Slaney*, 205 USPQ 215 (CCPA 1980).
- 9. For Claim 6, Wang teaches the core outer periphery defining a generally oval shape (Figs. 1-2).
- 10. For Claim 7, Wang does not expressly teach the sanitary napkin periphery defining a generally hour-glass shape. However, sanitary napkins having a periphery with a generally hour-glass shape are well known in the art. Horney confirms this and teaches the sanitary napkin having an hour-glass shape (col. 3, lines 12-52). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wang to include the sanitary napkin periphery defining a generally hour-glass shape, as taught by Horney.
- 11. For Claim 10, Wang does not teach the topsheet being a spunbonded nonwoven web. However, the use of spunbonded nonwoven webs as topsheets is well known in the art. Horney confirms this and teaches a topsheet which is a spunbonded nonwoven

web (col. 16, lines 45-65). It would have been obvious to one of ordinary skill in the art to modify Wang to include the topsheet being a spunbonded nonwoven web, as taught by Horney.

- 12. For Claim 12, Wang teaches the backsheet 11 including a spunbonded nonwoven web (Abstract, col. 8, lines 40-53, col. 9, lines 3-28).
- 13. For Claim 13, Wang teaches the backsheet including polypropylene fibers (col. 9, lines 12-66).
- 14. For Claim 14, Wang does not expressly teach the absorbent core including superabsorbent material. However, the use of superabsorbent material in an absorbent core is well known in the art. Horney confirms this and teaches superabsorbent material in the absorbent core (col. 3, lines 20-26, col. 4, lines 15-25, col. 10, lines 31-51, col. 12, lines 54-64, col. 13, lines 25-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wang to include superabsorbent material in the absorbent core, as taught by Horney.
- 15. For Claim 16, Wang does not expressly teach the core including a carded airlaid web. However, carding and airlaying are well known in the art. Horney confirms this and teaches the core formed by air-laying or carding (col. 9, lines 22-25, col. 10, lines 26-30). It would have been obvious to one of ordinary skill in the art to modify Wang to include the core having a carded airlaid web, as taught by Horney.
- 16. For Claim 17, the sanitary napkin of Wang is fully capable of being used as a pantiliner (Figs. 1-2, col. 1, lines 30-43, col. 7, lines 66-68).

17. Claims 5, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al in view of Horney and further in view of Kudo (US 2003/0187417).

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- For Claim 5, Wang/Horney teach all the limitations of Claim 1, as described 18. above in paragraph 5. Wang teaches entangling of fibers of different layers of the absorbent article (col. 18, lines 37-53). Wang does not expressly teach the topsheet and the core being joined by mechanical entangling of a portion of their respective fibers. However, joining a topsheet to a core by mechanically entangling of a portion of their respective fibers is well known in the art of absorbent articles. Kudo confirms this and teaches a sanitary napkin in which a topsheet is joined to a core by mechanically entangling a portion of their respective fibers (topsheet is top layer 5, core is absorbent layer 4, Figs. 1-7, Abstract, Paragraphs 11-17, 44, 46, and 98, and Claim 1). Kudo teaches that this bonding increases wet strength of the absorbent core and results in body fluid being more easily absorbed by the absorbent layer (paragraph 17). It would have been obvious to one of ordinary skill in the art to modify Wang to include joining the topsheet to the core by mechanically entangling a portion of their respective fibers. as taught by Kudo, to increase wet strength of the absorbent core and make body fluid more easily absorbed, as taught by Kudo.
- For Claim 9, Wang teaches entangling of fibers of different layers of the absorbent article (col. 18, lines 37-53). Wang does not teach the topsheet and the absorbent core being embossed to expose and entangle fibers from the core with the topsheet. However, the topsheet and the absorbent core being embossed to expose and entangle fibers from the core with the topsheet is well known in the art of absorbent

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articles. Kudo confirms this and teaches the topsheet and the absorbent core being embossed to expose and entangle fibers from the core with the topsheet (Figs. 1-7, Abstract, Paragraphs 11-17). Kudo teaches that the embossing increases the wet strength of the absorbent layer and makes body fluid easily absorbed by the absorbent layer (Paragraph 17). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wang to include the topsheet and the absorbent core being embossed to expose and entangle fibers from the core with the topsheet, as taught by Kudo, to increase the wet strength of the absorbent layer and make body fluid easily absorbed by the absorbent layer, as taught by Kudo.

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- 20. For Claim 11, Wang does not teach the topsheet including bicomponent fibers. However, bicomponent fibers are well known for use in topsheets for absorbent articles. Kudo confirms this and teaches a sanitary napkin having a bicomponent topsheet (top layer 5, paragraphs 63-64, 70, 84, 103, 112, 114-118). Kudo teaches that the topsheet using such fibers is resilient even under pressure from the body of a wearer (paragraph 70). It would have been obvious to one of ordinary skill in the art to modify Wang to include the topsheet having bicomponent fibers, as taught by Kudo, to provide a topsheet which is resilient under pressure, as taught by Kudo.
- 21. Claims 15 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al in view of Horney and further in view of Carstens (US 6,582,411).
- 22. For Claim 15, Wang/Horney teach all the limitations of Claim 14, as described above in paragraph 14. Wang does not teach superabsorbent fibers. However,

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superabsorbent fibers in the absorbent core are well known in the art of absorbent articles. Carstens confirms this and teaches superabsorbent material in the absorbent core including superabsorbent fibers (Figs. 1-2, col. 11, line 25 to col. 12, line 13). Carstens teaches that superabsorbent fibers are preferred because of their greater capacity compared to other superabsorbents (col. 11, line 66 to col. 12, line 13). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wang to include superabsorbent fibers in the absorbent core, as taught by Carstens, to provide greater capacity, as taught by Carstens.

23. For Claim 18, Wang teaches a sanitary napkin including a fluid permeable topsheet 13, a fluid permeable backsheet 11, and an absorbent core 12 disposed therebetween (Abstract, Figs. 1-2, col. 1, lines 30-43, col. 7, lines 65-68, col. 13, line 66 to col. 14, line 11). Wang teaches the absorbent core 12 defining a core outer periphery (Figs. 1-2, col. 13, line 66 to col. 14, line 11). Wang teaches that a standard sanitary napkin includes fluff (col. 14, lines 34-60; note that standard fluff for sanitary napkins is made from wood pulp or the like, and is hydrophilic). The backsheet 11 includes relatively hydrophobic spunbonded nonwoven material (Abstract, Figs. 1-2, col. 9, lines 3-66; note that polyolefins are hydrophobic). Wang teaches the topsheet 13 and the backsheet 11 defining a sanitary napkin outer periphery that is substantially larger than the core outer periphery; the sanitary napkin outer periphery completely surrounds the core outer periphery and is fully capable of being a breathable zone such that vapors can permeate completely through the sanitary napkin in the breathable zone (Abstract, Figs. 1-2, col. 1, lines 30-44, col. 8, lines 4-66, col. 9, lines 3-28, col. 16, lines 28-68).

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The sanitary napkin includes a fluid impermeable barrier between the backsheet 11 and the absorbent core 12, the fluid impermeable barrier being disposed adjacent to the absorbent core, within the core outer periphery and not extending beyond the core outer periphery (fluid impermeable barrier is the additional layer of the central zone 14, Abstract, Fig. 1, col. 8, lines 4-64, col. 13, line 66 to col. 14, line 11). Wang does not expressly teach the absorbent core including relatively hydrophilic airlaid nonwoven material having fibrous AGM; nor the topsheet including relatively hydrophobic spunbonded nonwoven material. However, relatively hydrophilic absorbent cores and relatively hydrophobic topsheets are well known in the art. Having fibrous AGM in the absorbent core is also well known. Horney confirms that a relatively hydrophilic absorbent core and a relatively hydrophobic spunbonded nonwoven topsheet is well known, and teaches a sanitary napkin having a relatively hydrophilic absorbent core and a relatively hydrophobic spunbonded nonwoven topsheet 22 (absorbent core includes absorbent core 25, distribution member 24, and acquisition layer 27; Figs. 1-2, col. 3. lines 12-20, col. 4, lines 26-55, col. 10, lines 31-52, col. 12, lines 54-64, col. 13, lines 25-67, col. 14, lines 45-67, col. 16, lines 1-65). Horney teaches that a generally hydrophobic topsheet helps to isolate the wearer's skin from liquids in the absorbent core (col. 14, lines 59-67, col. 16, lines 45-56). Carstens confirms that fibrous AGM is well known and teaches a sanitary napkin including fibrous AGM in the absorbent core (col. 11, line 46 to col. 12, line 20). Carstens teaches that fibrous AGM is preferred because of its greater capacity compared to other superabsorbents (col. 11, line 66 to col. 12, line 13). It would have been obvious to one of ordinary skill in the art to modify

Wang to include the absorbent core having relatively hydrophilic material and the topsheet having relatively hydrophobic spunbonded nonwoven material, as taught by Horney, to isolate the wearer's skin from liquids in the absorbent core, as taught by Horney. It would also have been obvious to modify Wang to include fibrous AGM in the absorbent core, as taught by Carstens, to provide greater capacity, as taught by Carstens.

24. For Claim 20, Wang teaches a thin absorbent sanitary pad which is fully capable of being used as a pantiliner (Abstract, Figs. 1-2, col. 1, lines 30-43, col. 7, lines 65-68, col. 13, line 66 to col. 14, line 11). Wang teaches the pad including a fluid permeable topsheet 13, a fluid permeable backsheet 11, and an absorbent core 12 disposed therebetween (Abstract, Figs. 1-2, col. 1, lines 30-43, col. 7, lines 65-68, col. 13, line 66 to col. 14, line 11). Wang teaches the absorbent core 12 defining a core outer periphery (Figs. 1-2, col. 13, line 66 to col. 14, line 11). Wang teaches that a standard sanitary napkin includes fluff (col. 14, lines 34-60; note that standard fluff for sanitary napkins is made from wood pulp or the like, and is hydrophilic). The backsheet 11 includes relatively hydrophobic fluid repellent spunbonded nonwoven material (Abstract, Figs. 1-2, col. 9, lines 3-66; note that polyolefins are hydrophobic). Wang teaches the topsheet 13 and the backsheet 11 defining a pad outer periphery that is larger than the core outer periphery; the pad outer periphery completely surrounds the core outer periphery and is fully capable of being a breathable zone such that vapors can permeate completely through the sanitary pad in the breathable zone (Abstract, Figs. 1-2, col. 1, lines 30-44, col. 8, lines 4-66, col. 9, lines 3-28, col. 16, lines 28-68). The pad includes a fluid

impermeable barrier between the backsheet 11 and the absorbent core 12, the fluid impermeable barrier being disposed adjacent to the absorbent core, within the core outer periphery and not extending beyond the core outer periphery (fluid impermeable barrier is the additional layer of the central zone 14, Abstract, Fig. 1, col. 8, lines 4-64, col. 13, line 66 to col. 14, line 11). Wang teaches that a wide variety of materials may be used for the fluid impermeable barrier (col. 8, line 4 to col. 10, line 65). Wang teaches a polyethylene film (col. 8, lines 40-66, col. 9, lines 47-59). Wang does not expressly teach the absorbent core including relatively hydrophilic airlaid nonwoven material having at least about 5 wt% AGM fiber content; the topsheet including relatively hydrophobic spunbonded nonwoven material; the absorbent core having a basis weight of between about 50 gsm and 100 gsm; nor the fluid impermeable barrier being a polyethylene film. However, relatively hydrophilic absorbent cores and relatively hydrophobic topsheets are well known in the art. Having fibrous AGM in the absorbent core is also well known. Applicant's specification does not disclose that a polyethylene film for the fluid impermeable barrier serves any stated purpose or solves any particular problem. Horney confirms that a relatively hydrophilic absorbent core and a relatively hydrophobic spunbonded topsheet is well known, and teaches a pantiliner having a relatively hydrophilic absorbent core and a relatively hydrophobic topsheet 22 (absorbent core includes absorbent core 25, distribution member 24, and acquisition layer 27; Abstract, Figs. 1-2, col. 3, lines 12-20, col. 4, lines 26-55, col. 10, lines 31-52, col. 11, lines 1-15, col. 12, lines 54-64, col. 13, lines 25-67, col. 14, lines 45-67, col. 16, lines 1-65). Horney teaches that a generally hydrophobic topsheet helps to isolate the

wearer's skin from liquids in the absorbent core (col. 14, lines 59-67, col. 16, lines 45-56). Carstens confirms that fibrous AGM is well known and teaches a sanitary pad including at least about 5 wt% fibrous AGM in the absorbent core (col. 11, line 46 to col. 12, line 20, col. 12, line 53 to co. 13, line 26). Carstens teaches that fibrous AGM is preferred because of its greater capacity compared to other superabsorbents (col. 11, line 66 to col. 12, line 13). Carstens also teaches the absorbent core having a basis weight of between about 50 gsm and 100 gsm (col. 11, line 66 to col. 12, line 20, col. 13, lines 3-25). Basis weight is a result effective variable, since it affects capacity, thinness, resilience, and comfort. The discovery of an optimum value of a result effective variable is ordinarily within the ordinary skill in the art. See In re Boesch and Slaney, 205 USPQ 215 (CCPA 1980). It would have been obvious to one of ordinary skill in the art to modify Wang to include the absorbent core having relatively hydrophilic material and the topsheet having relatively hydrophobic spunbonded nonwoven material, as taught by Horney, to isolate the wearer's skin from liquids in the absorbent core, as taught by Horney. It would also have been obvious to modify Wang to include at least about 5 wt% fibrous AGM in the absorbent core and to have the basis weight of the absorbent core between about 50 gsm and 100 gsm, as taught by Carstens, to provide suitable capacity, as taught by Carstens. In light of Wang's teaching of a polyethylene film and of the use of a wide variety of materials for the fluid impermeable barrier, it would have been obvious to modify Wang to include the fluid impermeable barrier being a polyethylene film.

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25. For Claim 19, the sanitary napkin of Wang is fully capable of being used as a pantiliner (Figs. 1-2, col. 1, lines 30-43, col. 7, lines 66-68).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula L. Craig whose telephone number is (571) 272-5964. The examiner can normally be reached on M-F 8:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Paula L Craig Examiner Art Unit 3761

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